



PTO/SB/21 (09-06)  
 Approved for use through 03/31/2007. OMB 0651-0031  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

AF  
 Tjin

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/863,897
Filing Date	May 23, 2001
First Named Inventor	Anna Karti
Art Unit	2683
Examiner Name	William D. Cumming
Attorney Docket Number	944-3.88

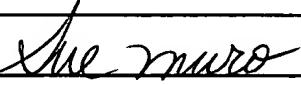
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Other Enclosure(s) (please Identify below):	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks Amended brief (in triplicate) in response to Notice of Non-Compliant Appeal Brief.	

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Ware, Fressola, Van Der Sluys & Adolphson		
Signature			
Printed name	James A. Retter		
Date	Oct. 23, 2006	Reg. No.	41,266

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Sue Muro	Date	Oct. 23, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Att. Docket 944-3.88  
Serial No. 09/863,897

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

First named inventor: Anna Karri  
Serial No.: 09/863,897  
Filed: May 23, 2001  
Title: System for Personal Messaging  
Group Art Unit: 2683  
Examiner: Cumming, William D.

MAIL STOP APPEAL BRIEFS--PATENTS  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sir:

This paper is in response to a notice of non-compliant appeal brief, stating that "summary of claimed subject matter must map independent claim 11 to specification by page and line number or paragraph number and/ or drawings, in any." Applicant had remarked that "Claim 11 recites means corresponding to the steps recited in method claim 1 ... [and therefore the] concise summary of the subject matter claimed by claim 1 is respectfully submitted as sufficient also for purposes of claim 11." Nevertheless, with this paper, applicant provides the required mapping expressly. An amended brief follows.

This amended brief is a supplemental brief for an appeal from an Office Action mailed 18 May 2005, made final, and a subsequent Advisory Action, mailed 28 July 2005, maintaining the rejections in response to a request for reconsideration mailed 12 July 2005, and a new Office action, mailed 16 November 2005, reopening prosecution.

**Table of Contents**

<b>I. THE REAL PARTY IN INTEREST .....</b>	<b>3</b>
<b>II. RELATED APPEALS AND INTERFERENCES.....</b>	<b>3</b>
<b>III. STATUS OF CLAIMS.....</b>	<b>3</b>
<b>IV. STATUS OF AMENDMENTS.....</b>	<b>3</b>
<b>V. SUMMARY OF CLAIMED SUBJECT MATTER.....</b>	<b>3</b>
<b>VI. GROUNDS OF REJECTIONS TO BE REVIEWED .....</b>	<b>10</b>
<b>VII. ARGUMENT.....</b>	<b>10</b>
A. ERROR IN REJECTING CLAIM 1 UNDER 35 USC SECTION 103.....	10
B. ERROR IN REJECTING CLAIM 24 UNDER 35 USC SECTION 103.....	17
C. COROLLARIES OF THE PRECEDING ARGUMENTS.....	18
D. CONCLUSION.....	19
<b>VIII. CLAIMS APPENDIX .....</b>	<b>20</b>
<b>IX. EVIDENCE APPENDIX .....</b>	<b>25</b>
<b>X. RELATED PROCEEDINGS APPENDIX .....</b>	<b>25</b>

I. THE REAL PARTY IN INTEREST

The real party in interest is Nokia Corporation, having a principal place of business at Keilalahdentie 4, FIN-02150 Espoo, Finland.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

III. STATUS OF CLAIMS

The Office action reopening prosecution examined claims 1, 2 and 4-24 and rejected same. Claim 3 was canceled by applicant. With this appeal, the claims are unchanged. The independent claims are 1, 11 and 24. Claims 1, 11 and 24 are rejected only under 35 USC §103(a) as being unpatentable over Kim (U.S. Pat. No. 6,597,918) in view of Wakatsuki (U.S. Pat. No. 6,792,450), and further in view of Carpenter (et al.) (U.S. Pat. No. 5,859,973). The other claims are rejected based on the rejections of claims 1, 11 and 24.

IV. STATUS OF AMENDMENTS

No amendments have been filed since the mailing of the final Office action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The independent claims involved in the appeal are claims 1, 11, and 24, and a concise summary of the subject matter as claimed in the independent claims involved in the appeal is as follows:

Claim 1, per its preamble, is to a method for use in conveying a plurality of messages (which, as recited later, convey a funny, explained below) from a sending terminal to a receiving terminal (each of which could be a mobile terminal as

in Fig. 5, or could be a desktop computer with access to a telecommunications network/ system, as explained below) over a telecommunications system that is at least in part a wireless telecommunications system. As explained in the application at page 3, 11. 7-14, the invention is in response to a perceived need for a way to be able to send a series of pictures (called frames in the application) that in combination make up what is here called a funny and so convey a single complete message, a way that allows the user to send the entire funny as a single message in that the user is not required to perform the same action for transmitting each picture and text, and likewise the recipient is able to receive and display the funny as a single message, comprising a series of pictures (frames), although only part of the message (e.g. one frame) would usually be viewable at any one time. As explained at page 13, line 28, other parts of the communication path may include a wireline communications network.

As recited in claim 1, the plurality of messages conveys a plurality of frames of a funny, so that each frame is conveyed by one or more of the messages, and each frame is logically related to at least one other of the frames. Page 6, 11. 10-12, explain a "funny" to be a sequence of pictures and associated text that in combination and in a particular order make up a message. Figs. 1-3 show examples of different funnies being displayed on a terminal device. Each of Figs. 1-3 illustrate a different three-frame-long funny. For example, in Fig. 1, described at page 6, line 17, a terminal is shown first displaying a first frame 10a, and then a second frame 10b, and finally a third frame 10c. The term "funny" is to be understood to encompass not only a funny as in a comic strip and so comprising "frames" as in a comic strip, but also other kinds of frames. Fig. 3 is an example of a "funny" that is a puzzle, as opposed to a "comic strip" type of funny. See page 8, beginning line 30, and continuing to page 9, line 6. (The first frame 31a of the funny shown in Fig. 3

instructs the receiver of the funny to look for differences between what is shown in the picture of the first frame and the pictures that follow in the second and third frames 31b 31c. The number of differences is indicated below the pictures of the second and third frames.)

In using the invention, a user first creates a funny, which amounts to possibly creating from scratch the frames of a funny and arranging the frames in a desired order, but could also include obtaining a pre-existing funny, editing it, and either reordering the frames or accepting the existing order. Thus, the creating and arranging in order can be done many ways, as set out e.g. at page 12, line 23, through page 13, line 3 (which explains that the user can even reorder frames of an already existing funny). See also Fig. 5, showing a mobile terminal including a "funny composer for composing a funny" module, which is explained (at e.g. page 10, 11. 17-20), as enabling a user to compose funnies based on existing picture messages, clipart, and even other existing funnies. See also page 7, line 2, which describes the assembling of pictures and text into a single, personalized message, i.e. a funny. The composing of a funny thus can include an ordering of frames of a funny by the terminal, in response to inputs by the user creating the funny, an ordering that may or may not be distinct and separate from the process of creating the frames of a funny; instead, the ordering may be performed at the same time and in conjunction with creating the frames of a funny. Thus, and as recited in claim 1, the sending terminal assembles the plurality of messages conveying the frames of a funny in a desired order according to inputs by a user, i.e. the terminal uses signals indicating the desired order, as opposed to determining the order without input signals indicating the ordering. (The plurality of messages is ordered in this "assembling" by the user indicating to the terminal the order of the frames, which then determines the ordering of the messages used to convey the frames.)

Next, according to claim 1, the sending terminal indicates in each message the order of the message in the desired order, i.e. the sending terminal uses the ordering provided in the assembling step--i.e. the desired order--to modify each message by adding to it a number indicating its position in the desired order. See page 11, ll. 14-19 (in connection with Fig. 4). See also page 12, ll. 4-13, which, in addition to explaining the indication of an order, notes that a message may convey only part of a frame of a funny, since, depending on the protocol in use (e.g. SMS), a frame may be too long to convey as a single message. The application at page 12, ll. 9-12, refers to Fig. 5, and in particular the block labeled "SMS messages creator," which is shown as a module that indicates in each SMS message in a plurality of such messages used to convey a funny, the order in which the messages are to be assembled by the receiving terminal.

Thus, according to claim 1, the step of "assembling" (in a desired order according to inputs by a user) is prefatory to (i.e. preliminary to) the step of "indicating" (the desired order), because the "indicating" step uses as an input "the desired order" which is provided by the "assembling" step.

Next, according to claim 1, the sending terminal sends all of the messages to the receiving terminal in response to an input by the user. See page 11, ll. 11-14, referring to Fig. 4, which shows (in the last step performed by the sender) the sending terminal receiving a command to send a funny as a single, unified message. See also page 9, ll. 15-18.

Claim 11, is to an apparatus for use by a sending terminal in conveying a plurality of messages that convey a funny, i.e. the plurality of messages conveys a plurality of frames of a funny, so that each frame is conveyed by one or more of the messages, and wherein each frame is logically related to at least one other of the frames. The apparatus is recited as conveying the plurality of messages to a receiving terminal via a wireless

communication network, i.e. over a communication path that includes a wireless communication network. The sending terminal (and also the receiving terminal) could be a mobile terminal as in Fig. 5, or could be a desktop computer. The wireless communication network is a component of the communications infrastructure shown in Fig. 5.

The apparatus includes, first, means for assembling the plurality of messages in a desired order according to inputs by a user. As explained in connection with claim 1, in using the invention, a user first creates a funny, which amounts to possibly creating from scratch the frames of a funny and arranging the frames in a desired order, but could also include obtaining a pre-existing funny, editing it, and either reordering the frames or accepting the existing order. Thus, the creating and arranging in order can be done many ways, as set out e.g. at page 12, line 23, through page 13, line 3 (which explains that the user can even reorder frames of an already existing funny). The recited means for assembling the plurality of messages in a desired order according to inputs by a user is represented in Fig. 5 by a module indicated as a "funny composer for composing a funny." The corresponding description is at page 11, lines 25-28, but the funny composer is introduced earlier, at e.g. page 10, 11. 17-20, and described there as enabling a user to compose funnies based on existing picture messages, clipart, and even other existing funnies. See also page 7, line 2, which describes the assembling of pictures and text into a single, personalized message, i.e. a funny. The composing of a funny thus can include an ordering of frames of a funny by the terminal, in response to inputs by the user creating the funny, an ordering that may or may not be distinct and separate from the process of creating the frames of a funny; instead, the ordering may be performed at the same time and in conjunction with creating the frames of a funny. Thus, and as recited in claim 11, the sending terminal, by means of the funny composer, assembles the plurality of messages

conveying the frames of a funny in a desired order according to inputs by a user, i.e. in assembling the plurality of messages, the terminal uses input signals (corresponding to the inputs by the user) to arrive at the desired (by the user) order, as opposed to determining the order without input signals indicating the ordering.

Next, the apparatus includes means for indicating in each message the order of the message in the desired order. This is represented in Fig. 5 (with the corresponding description at page 12, lines 4-12) by the "SMS messages creator" module, and by this means the sending terminal uses the ordering provided in the assembling step--i.e. the desired order--to modify each message by adding to it a number indicating its position in the desired order (and so this is not an ordinary SMS module, since it adds an indication used by the receiving terminal for ordering the SMS messages). See page 11, 11. 14-19 (in connection with Fig. 4). See also page 12, 11. 4-13, which, in addition to explaining the indication of an order, notes that a message may convey only part of a frame of a funny, since, depending on the protocol in use (e.g. SMS), a frame may be too long to convey as a single message. The application at page 12, 11. 9-12, refers to Fig. 5, and in particular the block labeled "SMS messages creator," which is shown as a module that indicates in each SMS message in a plurality of such messages used to convey a funny, the order in which the messages are to be assembled by the receiving terminal.

Next, according to claim 11, the apparatus includes means for sending all of the messages to the receiving terminal in response to an input by the user, where, as recited by claim 11, the plurality of messages conveys a plurality of frames of a funny, so that each frame is conveyed by one or more of the messages, and wherein each frame is logically related to at least one other of the frames. This is indicated in Fig. 5 by the funny operating system, and described at page 12, 11. 4-12. See also page 11, 11. 11-14, referring to Fig. 4, which shows (in the

last step performed by the sender) the sending terminal receiving a command to send a funny as a single, unified message. See also page 9, ll. 15-18. Note that, as explained in the application at page 7, lines 11-21, the plurality of messages, i.e. the funny, need not be sent as SMS messages, but could instead be conveyed via a wireless access protocol bookmark, or sent via a multimedia message system (MMS), or sent via an extended message service (EMS) . . .

Claim 24 is to a system comprising: a sending terminal (e.g. the mobile terminal for which a block diagram is provided in Fig. 5, but also possibly a desktop computer, as explained at page 13, beginning line 25 and continuing to page 14, line 2), adapted for conveying to a receiving terminal (also e.g. the mobile terminal for which a block diagram is provided in Fig. 5, i.e. the sending and receiving terminal could be similarly equipped and configured mobile phones, or at least one could be a desktop computer with access to a communications network), via a wireless communications network (at least for part of the communications path, while other parts may be a wireline communications network, as explained at page 13, line 28), a plurality of messages (e.g. messages conveying the frames 10a-c of Fig. 1), and including in each message ordering information indicating a position for the message in a desired ordering of the plurality of messages (as explained at e.g. p. 12, ll. 9-12, with the "desired ordering" a result of a user using the funny composer shown in Fig. 5, so as to compose funnies based on existing picture messages, clipart, and other existing funnies, as explained at p. 10, ll. 18-19, or possibly even reordering the frames of a funny, as explained at page 13, ll. 1-2); and the receiving terminal, adapted for receiving the plurality of messages and ordering the message in the desired order as indicated by the ordering information (as explained at page 12, ll. 12-15); wherein the plurality of messages conveys a plurality of frames of a funny, so that each frame is conveyed by one or more of the messages, and wherein

each frame is logically related to at least one other of the frames (as explained at page 6, ll. 10-12, explaining a "funny" to be a sequence of pictures and associated text that in combination and in a particular order make up a message).

#### VI. GROUNDS OF REJECTIONS TO BE REVIEWED

The following grounds of rejection are addressed: whether the final Office action and the subsequent advisory action erred in rejecting claims 1, 11 and 24 under 35 USC §103(a) as being unpatentable over Kim in view of Wakatsuki, and further in view of Carpenter, and so erred in rejecting the other claims as well.

Claim 1 to a method for use by a terminal in conveying a plurality of messages is argued. Independent claim 11 to a terminal includes limitations corresponding to those of claim 1, and is not separately argued. Claim 24 to a system including both a sending terminal and a receiving terminal is argued.

Thus, the claims depending from claim 1 stand or fall with claim 1, as does claim 11 and as do the claims depending from claim 11. Thus also, the claims depending from claim 24 stand or fall with claim 24.

#### VII. ARGUMENT

##### A. ERROR IN REJECTING CLAIM 1 UNDER 35 USC SECTION 103

Claim 1 is to a method for use in conveying a plurality of messages from a sending terminal to a receiving terminal over a telecommunications system that is at least in part a wireless telecommunications system, and recites: a) the sending terminal assembling the plurality of messages in a desired order according to inputs by a user; b) the sending terminal indicating in each message the order of the message in the desired order; and c) the sending terminal sending all of the messages to the receiving terminal in response to an input by the user; wherein the

plurality of messages conveys a plurality of frames of a funny, so that each frame is conveyed by one or more of the messages, and wherein each frame is logically related to at least one other of the frames.

In rejecting claim 1, the Examiner asserts that Kim discloses all subject matter (referring to the Office action dated May 18, 2004) except for "the plurality of frames to be frames of a funny," and relies on Wakatsuki for same, and also except for "the sending terminal assembling the plurality of messages in a desired order according to inputs by a user," and relies on Carpenter for same.

So for purposes of the argument here, since Wakatsuki is relied on by the Office action only for disclosing "the plurality of frames to be frames of a funny," the Office action must be said to assert that: Carpenter discloses a sending terminal assembling in a desired order according to inputs by a user a plurality of messages conveying a plurality of logically related frames with each frame conveyed by one or more of the messages, i.e. step (a), with the limitation that the messages convey logically related frames incorporated into it, but not the limitation that the frames are frames of a funny; Kim discloses a sending terminal indicating in each message of a plurality of messages the order of the message in a desired order as indicated by a user, wherein the plurality of messages conveys a plurality of logically related frames with each frame conveyed by one or more of the messages, i.e. step (b); and Kim also teaches a sending terminal sending all of a plurality of messages to a receiving terminal in response to an input by the user, wherein the plurality of messages conveys a plurality of logically related frames with each frame conveyed by one or more of the messages, i.e. step (c).

Thus, the Examiner asserts that Kim discloses step (b), which uses the output of step (a) as a starting point, but does

not disclose step (a). Step (a) provides a plurality of messages conveying a plurality of logically related frames in a desired order according to inputs by a user, and step (b) indicates in each message the order of the message in the desired order.

Kim teaches breaking up a single long message (longer than allowed in a single SMS frame) into component messages and indicating in each its ordering, sending the long message as a sequence of messages, and then reassembling the long message at the receiving end out of the component messages, using the order indicated in each provided during the breaking up process. (All of this is explained in the abstract.)

In asserting that Kim discloses step (b), the Examiner again (as in the final Office action) relies on the disclosure in Kim of breaking up a long message into components and indicating in each component its order.

Applicant respectfully submits that Kim does not in fact teach or suggest step (b): the sending terminal indicating in each message in the plurality of messages assembled according to inputs by a user, the order of the message in the desired order.

Step (b) uses the output of step (a), which the Office concedes is not disclosed by Kim, and so it cannot be said that Kim teaches step (b). More specifically, Kim discloses a sending terminal indicating in each component of a long message where the components are a result of an automatic breaking up a long message into the components (smaller-sized chunks) so that the long message can be sent according to a protocol that will not accept the long message, but will accept the smaller-sized chunks. In contrast, the input to step (b) is a plurality of messages conveying logically related frames assembled in a desired order according to inputs by a user. Applicant respectfully submits it is not fair to assert that Kim, which orders altogether different kinds of objects than are ordered in step (b), actually discloses step (b). Applicant respectfully

submits that even on at least this ground, the rejection cannot stand.

Similarly, applicant respectfully submits that Kim does not in fact teach or suggest step (c): the sending terminal sending to a receiving terminal, in response to inputs by a user, all of a plurality of messages conveying a plurality of logically related frames. Kim discloses merely sending all of the components/ chunks of a long message to a receiving terminal (where they are then reassembled into the long message). The method disclosed by Kim is relevant to the sending of any one frame recited in claim 1, but not to the plurality of logically related frames. In other words, although Kim could fairly be said to teach sending to a receiving terminal the one or more messages that convey a frame, Kim cannot also be said to disclose sending to a receiving terminal a plurality of logically related frames, as recited in claim 1. Therefore, applicant respectfully submits the rejection cannot stand.

Now as noted above, the Examiner concedes that Kim fails to disclose step (a), the sending terminal assembling a plurality of messages in a desired order according to inputs by a user, wherein the plurality of messages conveys a plurality of logically related frames, citing col. 7, ll. 10-25. Applicant respectfully points out that at the cited location, Carpenter discloses merely transmitting messages according to their order in a queue, and that a user can reorder/ reprioritize the queue.

The cited text is:

If the communications link is already established when a user input requests that information stored in memory 80 be transmitted from the portable data processor to the host data processor, the object can either be directly generated, encoded and transmitted, or a reference to the object can be included as an entry in the transmission request queue. While either method of transmitting messages can be performed with the present invention, the latter approach is more preferred as it ensures that the messages are transmitted in

the order that they were requested by the user.  
However, as will be appreciated by those of skill in the art, entries in the transmission request queue may be prioritized and reordered based upon user input, the types of message to be sent, or any other criteria suitable to a messaging application of the portable data processor.

[Emphasis added.]

The messages are not anywhere (at the cited location or elsewhere) indicated as messages conveying logically related frames, as in step (a). In fact, at col. 6, 11. 35-53, Carpenter explains:

A preferred embodiment of the present invention is illustrated in FIG. 4. As seen in FIG. 4, various information 110, 112, 114, 116, 118 and 120 such as application programs, objects, data files or the like is stored in the memory 130 of a portable data processor. Also resident in memory 130 is a transmission request queue 132 of variable size. As before, when a user input requests that information stored in memory 80 be transmitted from the portable data processor to the host data processor 42, the communications link 44 to the host processor may or may not be connected. If a connection is not established, a reference that identifies the information to be transmitted is generated and stored as an entry in the transmission request queue 132. By way of example, FIG. 4 illustrates three such message requests 122, 124 and 126, which request transmission of Objects A 110, B 112 and C 114 to the host data processor. In response to these requests, entries 142, 144 and 146 corresponding to Objects A 110, B 112 and C 114 are generated and stored in the transmission request queue 132. [Emphasis added.]

Thus, the message requests of the queue are requests to send what is apparently unrelated information, such as a data file on the one hand, and an application program on the other hand. There is simply no teaching or suggestion by Carpenter of "assembling" in a desired order a plurality of messages conveying a plurality of logically related frames. Carpenter merely teaches ordering requests in a queue to send indicated messages, messages not anywhere disclosed as logically related. Therefore, applicant respectfully submits the rejection cannot stand.

Further, in relying on Carpenter, the Examiner is asserting that it would have been obvious to one of ordinary skill in the art at the time of the invention, to alter the teachings of Kim according to the teachings of Carpenter. But Kim teaches breaking up a long message into chunks, sending the chunks to a receiver, and the receiver then reconstructing the long message from the chunks. Applicant respectfully submits that there is no motivation to change any of the teachings of Kim per the teachings of Carpenter in respect to ordering message requests in a queue. Any reordering by a user of any requests in a queue of Kim after the automatic correct ordering would cause the components of the long message to be reassembled incorrectly, because any reordering would be different than the correct automatic ordering. And any original manual ordering would be a waste of time, when the ordering could be done automatically, as taught by Kim. Thus, one of ordinary skill would not want to change the teaching of Kim per the teaching of Carpenter. Therefore, applicant respectfully submits the rejection cannot stand.

Further, as noted, the Examiner concedes that Kim fails to disclose sending frames of a funny, and so relies on Wakatsuki. Applicant respectfully submits that at the cited locations in Wakatsuki (figures 7a-7c) what is disclosed is merely displaying on a communication terminal apparatus in "electronic comic mode" a plurality of still pictures downloaded from an electronic comic server (sometimes called a "center"). Wakatsuki nowhere discloses frames of a funny in connection with any of the limitations recited in claim 1, not the assembling of frames in an order, nor the indicating of the order, nor the sending of all the frames in response to an input by a user. Further still, Wakatsuki actually teaches away from the invention, where it discloses (col. 4, ll. 48-50) that:

The communication terminal apparatus 10 prepares operation modes of the download mode [for getting

a funny from the server] and the electronic comic mode [for viewing a funny] as other modes than this telephone mode.

So Wakatsuki teaches that the viewing of what the application calls a funny is not for telephonic communication. Applicant therefore respectfully submits that there is no proper ground for asserting, as in the final Office action, that it would have been obvious to use the method of Kim to transmit a plurality of frames of a funny, instead of a single long message.

Since Wakatsuki nowhere discloses a funny in connection with any of the limitations recited in claim 1, applicant respectfully submits that Wakatsuki is merely evidence that the prior art includes a funny. But applicant is not claiming to have invented a funny, as that term is used in the application and also as in Wakatsuki; applicant claims only to have invented a method by which a funny is transmitted as possibly several messages from a sending telecommunications terminal to another (receiving) telecommunications terminal, a method that works because it includes steps of assembling messages conveying the frames of a funny (by assembling the frames themselves) according to a desired order provided by inputs (from a user), indicating in each message its order, and then communicating the entire funny (i.e. all of the messages) in response to an input by the user indicating that the entire funny be communicated, as opposed to the user having to repeat the input for each frame. It is thus, applicant respectfully submits, unfair to reject the claims using art having no relationship to a funny (namely Kim), combined with art showing merely that the prior art includes a funny, but not showing any of the steps/ means of the invention as claimed. Therefore, applicant respectfully submits the rejection cannot stand.

B. ERROR IN REJECTING CLAIM 24 UNDER 35 USC SECTION 103

Claim 24 recites a system comprising: (a) a sending terminal, adapted for conveying to a receiving terminal via a wireless communications network a plurality of messages, and including in each message ordering information indicating a position for the message in a desired ordering of the plurality of messages; and (b) the receiving terminal, adapted for receiving the plurality of messages and ordering the message in the desired order as indicated by the ordering information; wherein the plurality of messages conveys a plurality of frames of a funny, so that each frame is conveyed by one or more of the messages, and wherein each frame is logically related to at least one other of the frames.

In rejecting claim 24, as in rejecting claims 1 and 11, the Examiner asserts that Kim discloses all subject matter (referring to the Office action dated May 18, 2004) except for "the plurality of frames to be frames of a funny," and relies on Wakatsuki for same, and except for "the sending terminal assembling the plurality of messages in a desired order according to inputs by a user," and relies on Carpenter for same.

Applicant's attorney interprets the Office action as relying only on Kim and Wakatsuki for the rejection of claim 24, since claim 24 does not recite the "assembling" step (a) of claim 1, for which the Office action relies on Carpenter. Applicant's attorney thus interprets the Office action in respect to claim 24 as asserting that Kim discloses: a sending terminal, adapted for conveying to a receiving terminal via a wireless communications network a plurality of messages, and including in each message ordering information indicating a position for the message in a desired ordering of the plurality of messages, wherein the plurality of messages conveys a plurality of logically related frames with each frame conveyed by one or more of the messages; and also, the receiving terminal, adapted for receiving the

plurality of messages and ordering the messages in the desired order as indicated by the ordering information.

Applicant respectfully submits that, as argued in traversing the rejection of claim 1, Kim does not teach or suggest the limitation of conveying to a receiving terminal a plurality of messages each of which includes ordering information indicating a position for the message in a desired ordering of the plurality of messages, wherein the plurality of messages conveys a plurality of logically related frames with each frame conveyed by one or more of the messages. Kim discloses merely sending all of the components/ chunks of a long message to a receiving terminal (where they are then reassembled into the long message). The method disclosed by Kim is relevant to the sending of any one frame recited in claim 24, but not to the plurality of logically related frames. In other words, although Kim could fairly be said to teach sending to a receiving terminal the one or more messages that convey a frame, Kim cannot also be said to disclose sending to a receiving terminal a plurality of logically related frames, as recited in claim 24. Therefore, applicant respectfully submits the rejection cannot stand.

In addition, the same argument made objecting to the Office combining the teachings of Kim with Wakatsuki applies also to claim 24.

For the foregoing reasons, applicant respectfully submits that the there was error in rejecting claims 1 and 24 under 35 USC §103.

#### C. COROLLARIES OF THE PRECEDING ARGUMENTS

It has been argued above that there was error in rejecting claims 1 and 24 under 35 USC §103. Accordingly, and as set out in the above, it is here asserted that there was error in the rejections under 35 USC §103 of the other claims remaining in the application.

D. CONCLUSION

For all of the aforementioned reasons, it is respectfully submitted that the rejections of all the claims in the application, namely claims 1, 2 and 4-24, are error, and the rejections should be reversed. Allowance of all the claims in the application is earnestly solicited.

23 Oct. 2006

Date

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, CT 06468-0224

Respectfully submitted,

  
James A. Retter  
Registration No. 41,266

tel: (203) 261-1234  
Cust. No.: 004955

VIII. CLAIMS APPENDIX

The following are the claims involved in the appeal.

1. (Previously presented) A method for use in conveying a plurality of messages from a sending terminal to a receiving terminal over a telecommunications system that is at least in part a wireless telecommunications system, the method comprising:
  - a) the sending terminal assembling the plurality of messages in a desired order according to inputs by a user;
  - b) the sending terminal indicating in each message the order of the message in the desired order;
  - c) the sending terminal sending all of the messages to the receiving terminal in response to an input by the user;

wherein the plurality of messages conveys a plurality of frames of a funny, so that each frame is conveyed by one or more of the messages, and wherein each frame is logically related to at least one other of the frames.
2. (Previously entered) The method of claim 1, further comprising the sending terminal associating with a frame of the plurality of frames a special effect to be performed when the frame is displayed.
3. Claim 3 is canceled.
4. (Previously entered) The method of claim 2, wherein the special effect is selected from the group comprising vibrating the frame, providing a sound when the frame is first displayed, providing a sound when the frame is closed, opening the frame in stages, and closing the frame in stages.
5. (Previously presented) The method of claim 1, further

comprising the sending terminal preparing a frame of the plurality of frames by indicating a picture to be displayed in the frame and/or by providing text to be displayed in the frame.

6. (Previously presented) The method of claim 1, further comprising the sending terminal downloading from a service an already-created message and editing the text of a frame of the plurality of frames to personalize the plurality of frames for an assumed operator of the receiving terminal.

7. (Previously presented) The method of claim 1, further comprising the sending terminal downloading from a service or retrieving from stored memory an already-created picture for use as the picture of a frame of the plurality of frames and optionally providing text to be associated with the picture.

8. (Previously presented) The method of claim 1, wherein the plurality of frames is provided using a pre-existing message service selected from the group comprising short message service (SMS), extended message service (EMS), and multimedia messaging service (MMS).

9. (Previously presented) The method of claim 1, wherein the plurality of frames consists of three ordered frames, each frame comprising a picture and associated text personalized for an intended recipient.

10. (Previously entered) The method of claim 1, wherein the plurality of frames is protected from being copied using a form of protection selected from the group comprising: copy protection, digital rights management, and encryption.

11. (Previously presented) An apparatus for use by a sending terminal in conveying a plurality of messages to a receiving terminal via a wireless communications network, the apparatus

comprising:

- a) means for assembling the plurality of messages in a desired order according to inputs by a user;
- b) means for indicating in each message the order of the message in the desired order;
- c) means for sending all of the messages to the receiving terminal in response to an input by the user;

wherein the plurality of messages conveys a plurality of frames of a funny, so that each frame is conveyed by one or more of the messages, and wherein each frame is logically related to at least one other of the frames.

12. (Previously presented) The apparatus of claim 11, further comprising means for associating with a frame of the single message a special effect to be performed when the frame is displayed.

13. (Previously presented) The apparatus of claim 12, further comprising means for reviewing properties of a frame of the plurality of frames, including whether or not a special effect has been associated with the frame.

14. (Previously presented) The apparatus of claim 12, wherein the special effect is selected from the group comprising vibrating the frame, providing a sound when the frame is first displayed, providing a sound when the frame is closed, opening the frame in stages, and closing the frame in stages.

15. (Previously presented) The apparatus of claim 11, further comprising means for preparing a frame of the plurality of frames by indicating a picture to be displayed in the frame and/or by providing text to be displayed in the frame.

16. (Previously presented) The apparatus of claim 11, further comprising means for downloading from a service an already-created message and editing the text of a frame of the plurality of frames to personalize the plurality of frames.

17. (Previously presented) The apparatus of claim 11, further comprising means for downloading from a service or retrieving from stored memory of the apparatus an already-created picture for use as the picture of a frame of the plurality of frames and/or means for providing text to be associated with a picture.

18. (Previously presented) The apparatus of claim 11, wherein the plurality of frames is provided using a pre-existing message service selected from the group comprising short message service (SMS), extended message service (EMS) and multimedia messaging service (MMS).

19. (Previously presented) The apparatus of claim 11, wherein the plurality of frames comprises three ordered frames, each frame comprising a picture and/or associated text.

20. (Previously presented) The apparatus of claim 11, wherein the plurality of frames is protected from being copied using a form of protections selected from the group comprising: copy protection, digital rights management, and encryption.

21. (Previously presented) A system according to claim 24, further comprising: a server wirelessly coupled to the sending terminal and to the receiving terminal, for providing a picture to either the sending terminal or the receiving terminal in response to a request for the picture from either the sending terminal or the receiving terminal.

22. (Previously presented) The system of claim 21, wherein the server for providing a picture in response to a request for the

picture does so in response to a bookmark communicated by the receiving terminal according to a wireless application protocol.

23. (Previously presented) The system of claim 21, wherein the server for providing a picture in response to a request for the picture does so in response to a request communicated by the sending terminal, thereby making available the picture for use by the sending terminal in composing one or more of the plurality of messages.

24. (Previously presented) A system comprising:

a) a sending terminal, adapted for conveying to a receiving terminal via a wireless communications network a plurality of messages, and including in each message ordering information indicating a position for the message in a desired ordering of the plurality of messages; and

b) the receiving terminal, adapted for receiving the plurality of messages and ordering the message in the desired order as indicated by the ordering information;

wherein the plurality of messages conveys a plurality of frames of a funny, so that each frame is conveyed by one or more of the messages, and wherein each frame is logically related to at least one other of the frames.

IX. EVIDENCE APPENDIX

No evidence has been submitted under Rules 1.130, 1.131, or 1.132 and relied on by appellant in the appeal, nor is there any other evidence entered by the examiner and relied up on by appellant in the appeal.

X. RELATED PROCEEDINGS APPENDIX

There are no related proceedings nor have there been, and so there are no corresponding decisions rendered by a court or the Board in any related proceeding.